

(f) Livestock erroneously impounded shall be returned to the rightful owner, and all expenses accruing thereto shall be waived.

(g) If the livestock are not redeemed before the time fixed for their sale, they shall be sold at public sale to the highest bidder. When livestock are sold pursuant to this regulation, the Area Director shall furnish the buyer a bill of sale or other written instrument evidencing the sale.

(h) The proceeds of any sale of impounded livestock shall be applied as follows:

(1) To the payment of all expenses incurred by the United States in gathering, impounding, and feeding or pasturing the livestock;

(2) Trespass penalties assessed pursuant to § 700.717 shall be paid to a separate account to be administered by the Area Director for use as a range improvement fund for the New Lands;

(3) Any remaining amount shall be paid over to the owner of said livestock upon his submitting proof of ownership. Any proceeds remaining after payment of the first and second items noted above not claimed within one year from the date of sale, will be credited to the United States.

§ 700.723 Range management plans.

The Area Director and the permittees will develop a range management plan for each range unit. The plan will include but not be limited to the following:

(a) Goals for improving vegetative productivity.

(b) Incentives for carrying out the goals.

(c) Stocking rate.

(d) Grazing schedule.

(e) Wildlife management.

(f) Needs assessment for range and livestock improvements.

(g) Schedule for operation and maintenance of existing range improvements.

§ 700.725 Assignment, modification, and cancellation of grazing permits.

(a) Grazing permits shall not be assigned, sub-permitted, or transferred without the consent of the contracting parties and the approval of the Area Director.

(b) The Area Director may revoke or withdraw all or any part of a grazing permit by cancellation or modification on 30 days' written notice for violation of the permit or of the management plan, non-payment of grazing fees, violation of these regulations, or because of the termination of the trust status of the permitted land. In case of cancellation

or modification because of trust termination, the action shall be effected on the next anniversary date of the grazing permit following the date of notice.

§ 700.727 Establishment of grazing fees.

(a) The Area Director may establish a minimum acceptable grazing fee per SUYL. If a grazing fee is established, it shall apply to all grazing privileges on the New Lands. The Area Director will collect each year's fee annually in advance of the commencement of each grazing season as defined in § 700.715.

(b) Grazing fees collected under this section will be placed in a separate account to be administered by the Area Director and will be utilized for the operation and maintenance of existing and any future range improvements.

§ 700.729 Amendments.

These regulations may be amended or superseded as needed. Amendments or superseding regulations are automatically incorporated as part of existing permits on the next October 31 following the effective date of the amendment or superseding regulation.

Ralph A. Watkins, Jr.,
Chairman.

[FR Doc. 86-14146 Filed 6-23-86; 8:45 am]

BILLING CODE 7560-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 765

Rules Applicable to the Public

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: This document removes § 765.3 from title 32 of the *Code of Federal Regulations*. This action is being taken because the underlying regulation, Marine Corps Order 5510.1D, has been cancelled.

EFFECTIVE DATE: June 24, 1986.

FOR FURTHER INFORMATION CONTACT: Mrs. B.L. Thompson, (202) 694-1452.

List of Subjects in 32 CFR Part 765

Federal building and facilities, Military law, National defense, Seals and insignia, Security measures?

PART 765—[AMENDED]

Accordingly, 32 CFR Part 765 is amended as follows:

1. The authority citation for Part 765 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. 133, 5031, 6011, unless otherwise noted.

§ 765.3 [Removed]

2. Section 765.3 is removed.

Dated: June 19, 1986.

Harold L. Stoller, Jr.,
CDR, JAGC, USN, Federal Register Liaison
Officer.

[FR Doc. 86-14193 Filed 6-23-86; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

34 CFR Part 700

Educational Research Grant Program

AGENCY: Department of Education (ED).

ACTION: Final regulations; correction.

SUMMARY: ED is making a change in the preamble and correcting an error in the final regulations for the Educational Research Grant Program published in the *Federal Register* on May 28, 1986 (51 FR 19314).

FOR FURTHER INFORMATION CONTACT: Frank Sobol at (202) 357-6210.

SUPPLEMENTARY INFORMATION: Certain additional errors occurred in printing the Educational Research Grant Program regulations. The significant errors will be corrected in a separate document published by the Office of the Federal Register. Minor typographical errors will be corrected by the Office of the Federal Register prior to publication of the regulations in the *Code of Federal Regulations*.

(Catalog of Federal Domestic Assistance Number 84.117, Educational Research and Development)

Dated: June 19, 1986.

Chester E. Finn, Jr.,
Assistant Secretary and Counselor to the
Secretary.

The following corrections are made in FR Doc. 86-11862, final regulations for the Educational Research Grant Program, published in the *Federal Register* on May 28, 1986 (51 FR 19314).

1. In the preamble, the address and telephone number under the paragraph entitled "FOR FURTHER INFORMATION CONTACT" is changed to: 555 New Jersey Avenue NW., Room 627H, Washington, DC 20208. Telephone Number: (202) 357-6210.

§ 700.31 [Corrected]

2. On page 19316, in § 700.31(b)(1), third column, line 21, "(iii)" is changed to "(iv)".

[FR Doc. 86-14214 Filed 6-23-86; 8:45 am]

BILLING CODE 4000-01-M

34 CFR Part 700

Educational Research Grant Program

Correction

In FR Doc. 86-11862 beginning on page 19314 in the issue of Wednesday, May 28, 1986, make the following corrections:

§ 700.3 [Corrected]

1. On page 19315, in the second column, in § 700.3(a)(1), in the first line, "Educational" should read "Education", and in the second line, "Administration" should read "Administrative".

§ 700.12 [Corrected]

2. On page 19316, in the first column, in § 700.12(a)(13), in the second line, "is" should read "in".

§ 700.30 [Corrected]

3. On the same page, in the second column, in § 700.30(a), in the fourth line, insert "in" after "criteria".

§ 700.31 [Corrected]

4. On the same page, in the third column, in § 700.31(b)(2) introductory text, in the second line, "[b](1)" should read "[b](1)(i)".

5. On page 19317, in the first column, in § 700.31(f)(2)(i), in the third line, insert "problems of" between "of" and "American". And in paragraph (f)(2)(iv), in the fourth line, "an" should read "as".

§ 700.33 [Corrected]

6. On the same page, in the third column, in § 700.33(a), in the ninth line, "it" should read "if", and in the eleventh line, "project" should read "projects".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL-3037-2]

Promulgation of Implementation Plans; Oklahoma; Visibility Protection

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: In this action EPA is promulgating Federal regulations for visibility monitoring and visibility new source review (NSR) for Oklahoma. The regulations were proposed for 34 states at 49 FR 42670 on October 23, 1984. No comments were received on the proposal specific to Oklahoma.

Oklahoma submitted a State implementation plan (SIP) revision on July 12, 1985, to avoid final action on this proposal. However, the SIP revision

does not meet the requirements for visibility monitoring and visibility NSR. Therefore, EPA is promulgating Federal regulations for Oklahoma today.

EFFECTIVE DATES: This action will become effective on July 24, 1986.

FOR FURTHER INFORMATION CONTACT: John Crocker, Air Programs Branch, EPA Region 6, 1201 Elm Street, Dallas, Texas 75270, telephone (214) 767-9850 or (FTS) 729-9850.

ADDRESSES: Docket A-84-32 was established for this rulemaking and can be inspected Monday through Friday between 8:00 a.m. and 4:00 p.m. at EPA's Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, DC 20460. A reasonable fee may be charged for copying.

SUPPLEMENTARY INFORMATION:

Background

Section 169A of the Clean Air Act (Act), 42 U.S.C. 7491, requires visibility protection for mandatory Class I Federal areas where EPA has determined visibility is an important value. "Mandatory Class I Federal areas" are certain national parks, wilderness areas, and international parks, as described in section 162(a) of the Act, 42 U.S.C. 7472(a). The mandatory Class I Federal areas where visibility is an important value are identified in EPA regulations at 40 CFR 81.400-437. Section 169A specifically requires EPA to promulgate regulations requiring certain States to amend their SIPs to provide visibility protection. On December 2, 1980, EPA promulgated the required visibility regulations at 45 FR 80084, codified at 40 CFR 51.300 *et seq.* In December 1982, the Environmental Defense Fund (EDF) filed a citizen suit alleging that EPA failed to perform a nondiscretionary duty under section 110(e) of the Act to promulgate visibility SIPs for States that had failed to submit such SIP revisions to EPA. The EPA and EDF negotiated a settlement agreement for deficient States which the court approved on April 20, 1984.

The settlement agreement requires EPA to promulgate visibility SIPs on a specified schedule for those States that have not submitted visibility SIP revisions to EPA. (For more information on the settlement agreement see 49 FR 20647 on May 16, 1984.) The EPA proposed SIP revisions for 34 States including Oklahoma on October 23, 1984, at 49 FR 42670. The EPA promulgated Federal regulations for visibility NSR for 16 States and a visibility monitoring strategy for 19 States on July 12, 1985, at 50 FR 28544. Fifteen States, including Oklahoma, submitted draft or final SIP revisions designed to meet the visibility

monitoring requirements of 51.305. Eighteen States, including Oklahoma, submitted draft or final SIP revisions designed to meet the visibility NSR requirements of 51.307. The settlement agreement constrains EPA to approve the State submittals or to promulgate Federal programs. In today's action, EPA is promulgating a Federal visibility monitoring and visibility NSR program (Sections 52.26, 52.27, and 52.28) for Oklahoma in order to meet the settlement agreement schedule. Federal programs for four other States were previously promulgated on February 13, 1986, at 51 FR 5504.

Oklahoma submitted a final visibility plan on July 12, 1985. EPA has reviewed the submittal and has found it inadequate. EPA published a proposed disapproval of the Oklahoma submittal in the April 17, 1986, *Federal Register* and is taking comment on it (see 51 FR 13029). If EPA should reverse its decision on the adequacy of the submittal, it would revoke today's promulgation.

Comments

The EPA took comments on the proposed disapprovals and Federal programs in the fall of 1984. These comments can be obtained through Docket A-84-32 at EPA's Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, DC 20460. All major issues raised during the comment period were addressed in the promulgation notice of July 12, 1985, at 50 FR 28544. No comments were received on the proposed rulemaking notice specific to Oklahoma.

Classification

The Administrator certifies pursuant to the provisions of 5 U.S.C. 605(b) that the attached rules will not have a significant economic impact on a substantial number of small entities. Only a few sources will be required to evaluate the potential impact on visibility that are not already required to do so under the existing PSD program.

The rules promulgated today do not contain any information collection requirements subject to Office of Management and Budget (OMB) review under the Paperwork Reduction Act of 1980, U.S.C. 3501 *et seq.*

The rules have been submitted to OMB for review under Executive Order 12291. Any written comments from that office have been placed in the Docket A-84-32.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur dioxides, Nitrogen dioxide, Lead,

Particulate matter, Hydrocarbons, Carbon monoxide, Incorporation by reference.

Dated: June 16, 1986.

Lee M. Thomas,
Administrator.

PART 52—[AMENDED]

Part 52, Chapter 1 of Title 40, Code of Federal Regulations, is amended as follows:

Subpart LL—Oklahoma

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642

2. Section 52.1933 is added to read as follows:

§ 52.1933 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met because the plan does not include approvable procedures meeting the requirements of 40 CFR 51.305 and 51.307 for protection of visibility in mandatory Class I Federal areas.

(b) Regulations for visibility monitoring and new sources review. The provisions of §§ 52.26, 52.27, and 52.28 are hereby incorporated and made part of the applicable plan for the State of Oklahoma.

[FR Doc. 86-14178 Filed 6-23-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 60

[AD-FRL-3035-8]

Standards of Performance for New Stationary Sources; Metal Coil Surface Coating

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document corrects language in the final standards for metal coil surface coating to clarify the number of test runs required for the performance test. Recently it was brought to the Agency's attention by a State agency that they had encountered difficulty in determining the number of test runs required by the standards. It has been determined that a phrase specifying the required number of test runs was omitted from the standards by mistake. As originally written, the language in the standards could have been interpreted to require only one test run during the performance test. This revision changes the language to prevent misinterpretation and to clarify that three test runs are required for the

performance test. The language appeared on page 49617 in the *Federal Register* on Monday, November 1, 1982 (47 FR 49617).

FOR FURTHER INFORMATION CONTACT:

Mr. Sims Roy, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, (919) 541-5578.

Dated: June 13, 1986.

Don R. Clay,

Deputy Assistant Administrator for Air and Radiation.

PART 60—[AMENDED]

40 CFR Part 60 is amended as follows:

1. The authority citation for Part 60 continues to read as follows:

Authority: Secs. 101, 111, 114, 116, 301, Clean Air Act as amended (42 U.S.C. 7401, 7411, 7414, 7616, 7601).

2. In § 60.466, paragraph (c) is revised to read as follows:

§ 60.466 Test methods and procedures.

* * * * *

(c) For Method 25, the sampling time for each of three runs is to be at least 60 minutes, and the minimum sampling volume is to be at least 0.003 dry standard cubic meter (DSCM); however, shorter sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

* * * * *

[FR Doc. 86-14084 Filed 6-23-86; 8:45 am]

BILLING CODE 6560-50-M

NATIONAL SCIENCE FOUNDATION

45 CFR Part 611

Nondiscrimination; Compliance; Change in Procedure

AGENCY: National Science Foundation.

ACTION: Final rule.

SUMMARY: This amendment simplifies the internal NSF procedure for final agency approval of an order suspending, terminating, or refusing to grant Federal financial assistance under Title VI of the Civil Rights Act of 1964. Final internal agency approval of an order will henceforth be made by the Director of the National Science Foundation.

EFFECTIVE DATE: June 24, 1986.

ADDRESS: Any comments should be addressed to: Paralegal, Office of the General Counsel, Room 501, National Science Foundation, Washington, DC 20550.

FOR FURTHER INFORMATION CONTACT:

Sukari S. Smith, Paralegal, Office of the General Counsel, National Science Foundation, Washington, DC 20550, 202-357-9580 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The preexisting regulation had called for approval by the Director and the National Science Board.

Explanation of the Change

The statute calls for approval by the "head of the agency". In the case of the National Science Foundation, the National Science Board establishes the policies of the Foundation [42 U.S.C. 1863(a)], but all executive and management functions (with exceptions not relevant here) are assigned by the statute or the Board to the Director [42 U.S.C. 1864(b)]. Thus, the Director is generally regarded as the head of the agency for purposes of various statutes that use the term. It is therefore appropriate that the Director approve any specific action required under Title VI, in keeping with any policy on the subject prescribed by the Board.

Executive Order 12291

The Foundation has determined that this action is not a major rule as defined in Executive Order 12291 of February 17, 1983 (3 CFR 1981 Comp., p. 127).

This change involves an internal rule of agency organization, procedure, or practice. Therefore, the Foundation finds public comment on it unnecessary.

List of Subjects in 45 CFR Part 611

Civil rights, Government procurement, Grant programs—science and technology, Nondiscrimination.

Sukari S. Smith,
Federal Register Liaison Officer.

June 6, 1986.

Accordingly, Title 45 of the Code of Federal Regulations is amended as provided below:

PART 611—[AMENDED]

45 CFR, Part 611 is amended as follows:

1. The authority citation for Part 611 is revised to read:

Authority: Sec. 11(a) of the National Science Foundation Act of 1950, as amended. 42 U.S.C. 1870(a); 42 U.S.C. 2000d-1.

2. Section 611.8(c) is revised to read as follows:

§ 611.8 Procedure for effecting compliance.

* * * * *

(c) Termination of or refusal to grant or to continue Federal financial assistance. No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible Foundation official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearings, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part, (3) the action has been approved by the Director pursuant to § 611.10(e) and (4) the expiration of thirty days after the Director has filed with the Committee of the House and the Committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action.

Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

3. Section 611.10(e) is revised to read as follows:

§ 611.10 Decisions and notices.

(e) Approval by Director. Any final decision of a responsible Foundation official (other than the Director) which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Director who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

FR Doc. 86-13582 Filed 6-23-86; 8:45 am]
BILLING CODE 7555-01-M

45 CFR Parts 680 and 683

Conflicts-of-Interest

AGENCY: National Science Foundation.

ACTION: Final rule.

SUMMARY: Three subsections of the NSF conflicts-of-interest regulations are based upon a recently repealed provision of the National Science

Foundation Act of 1950, as amended. The Foundation is amending its regulations to repeal those subsections.

EFFECTIVE DATE: June 24, 1986.

ADDRESS: Questions should be addressed to: Office of the General Counsel, Room 501, 1800 G Street NW., Washington, DC 20550.

FOR FURTHER INFORMATION CONTACT: Arthur J. Kusinski, Conflicts-of-Interest Counsellor, (202) 357-9445.

SUPPLEMENTARY INFORMATION: Before its repeal by Pub. L. 99-159, section 14(b) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1873(b)), prohibited, without the approval of the National Science Board, full-time Presidential appointees from holding office in or acting in any capacity for any institution which had or was seeking NSF awards. Section 14(b) further prohibited any full-time Presidential appointee from engaging in any other business, vocation, or employment while serving the NSF in a full-time presidential position. The NSF conflicts-of-interest regulations (Title 45 CFR Parts 680-684) reflected these statutory prohibitions at § 680.14(b) and (c) and § 683.30(d).

As noted above, section 14(b) was repealed on November 22, 1985 by Pub. L. 99-159 (99 Stat. 887). What was section 14(b) immediately prior to its repeal was part of the original National Science Foundation Act of 1950, the organic law of the Foundation. The subsection sprung from a concern by President Truman that responsibility for the administration of the Foundation be vested in full-time officers who could be held accountable. This original concern is now all but forgotten; no one doubts that the Director, the Deputy Director, and the Assistant Directors of the Foundation are and will be full-time Federal officials like their counterparts in any other Federal agency.

Section 210 of the Ethics in Government Act of 1978 (5 U.S.C. App. I) places restrictions on outside activities of Presidentially appointed executives throughout the Executive branch by limiting their outside earned income to 15% of Government salary. Since the enactment of section 210 in 1978, that part of section 14(b) of the NSF Act which prohibited outside activity by NSF full-time Presidential appointees has become out-dated, applying additional, unneeded restrictions on Foundation Presidential appointees.

The amendments reflect this change to the National Science Foundation Act by deleting those regulatory subsections which implement the repealed statutory section. (Deletion of these subsections do not necessarily mean that the

activities previously prohibited are now permitted; generally applicable standards of conduct rules continue to apply).

Because these amendments affect only internal agency policies and procedures, and personnel, they are published in final form.

PARTS 680 AND 683—[AMENDED]

Accordingly, Title 45 CFR is amended as follows:

1. The authority citation for Parts 680 and 683 continues to read:

Authority: E.O. 11222 of May 8, 1965, 3 CFR, 1965 Supplement and Regulations of the Office of Personnel Management, 5 CFR 735.104.

§ 680.14 [Amended]

2. Section 680.14 is amended by removing paragraphs (b) and (c), and redesignating (d) and (e) as (b) and (c) respectively.

§ 683.30 [Amended]

3. Section 683.30 is amended by removing paragraph (d).

Dated: June 9, 1986.

Charles H. Herz,
General Counsel.

[FR Doc. 86-13583 Filed 6-23-86; 8:45 am]

BILLING CODE 7555-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 649

[Docket No. 60336-6086]

American Lobster Fishery; Correction

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule; correction.

SUMMARY: This document adds Figure 1 which was inadvertently omitted from the final rule implementing Amendment 1 to the Fishery Management Plan for the American Lobster Fishery published May 28, 1986, at 51 FR 19210.

FOR FURTHER INFORMATION CONTACT: Carol J. Kilbride, Resource Policy Analyst, 617-281-3600, ext. 331; or Kathi L. Rodrigues, Resource Management Specialist, 617-281-3600, ext. 324.

Dated: June 19, 1986.

William G. Gordon,
Assistant Administrator for Fisheries,
National Marine Fisheries Service.

The following correction is made in FR Doc. 86-11903, page 19212, in the issue of May 28, 1986: